

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

JASON MILLER, on his own )  
behalf and all similarly situated individuals, )

Plaintiff, )

v. )

CASE NO. : 4:14-cv-00007-WTM-GRS

GARIBALDI'S, INC., a )  
Georgia for-profit corporation, and )  
THE OLDE PINK HOUSE, INC., a )  
Georgia for-profit corporation, )

Defendants. )

**JOINT SCHEDULING ORDER**

In accordance with this Court's Order of April 3, 2014, the Parties submit their Proposed Joint Scheduling Order, for the Court's approval:

Plaintiff has brought this case as a putative collective action, under 29 U.S.C. § 216(b). Unlike Rule 23 class actions, in which class members are deemed to be members of the class, unless they "opt out" of the litigation, only those putative class members who affirmatively opt in to a collective action or putative collective action, are bound by the results of the case.

Given this opt-in dynamic, FLSA collective actions typically proceed in 2 distinct stages. First, either by Motion of the Plaintiff or by stipulation of the parties, the Court will typically rule on whether the Plaintiff may issue Court authorized notice of a collective action to putative class members, giving them an opportunity to join the case by filing their consent with the Court. Once this notice period closes, and the scope of the class is known, the parties typically engage in full merits discovery. In line with the above procedures, the Parties have conferred on the

collective action issues in order to streamline the litigation. Because this is a FLSA collective action, the Parties have proposed, and the Court approves, a Scheduling Order which allows the case to proceed in two separate phases as follows:

**A. PHASE ONE: Conditional Certification**

1. Plaintiffs to file their Motion for Conditional Certification and to Permit Notice to Putative Class Members by **May 1, 2014**.
2. Defendants to file their response to Plaintiffs' Motion for Conditional Certification and Notice by **May 22, 2014**.
3. During Phase One, the parties may engage in discovery, as permitted by the Federal Rules of Civil Procedure and the Local Rules of this Court, as to the issues related to the conditional certification of the collective action.

**B. PHASE TWO**

Phase Two will commence immediately after the close of any opt-in period if the Court grants the Plaintiffs' Motion for Notice and Conditional Certification, or after the Court denies the Motion. Within 30 days of the commencement of Phase Two, the parties are to engage in a second Rule 26(f) conference for the purpose of presenting a Second Joint Scheduling Order and case management plan to the Court. Said Scheduling Order will impose deadlines for the completion of discovery, the filing of motions to add parties and amend pleadings, the disclosure of expert witnesses, the filing of dispositive motions and all other deadlines required by this Court's Local Rules.

SO ORDERED THIS 30<sup>th</sup> day of April, 2014.



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UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA